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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of the Appeal of the	)	File No. SLD -
Decision of the	)	
Universal Service Administrator by	)	
	)	
<b>Mel Blount Youth Home</b>	)	CC Docket No. 02-6
	)	
Federal-State Joint Board on	)	
	)	CC Docket No. 96 - 45
Universal Service	)	
	)	
Changes to the Board of Directors of	)	
	)	
The National Exchange Carrier	)	CC Docket No. 97 - 21
	)	
Association, Inc.	)	

**Appeal**  
and  
**Demand for Expedited Relief**

October 11, 2005

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W. Suite TW-A325  
Washington, D.C. 20554

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List A B C D E

*This is an appeal and request for expedited relief from a decision by the*  
Schools and Libraries Division of the USAC to the Federal Communications  
Commission.

Enclosed are the original and four copies of the Appeal. An extra copy is  
also enclosed; please time stamp the extra copy and return it to me in the  
enclosed self addressed-stamped envelope.

**(1) Funding Commitment Decision Letter Appealed**

Form 471 Application Number: 378809  
Funding Year 2003: 07/01/2003-06/30/2004  
Billed Entity Number: 222402  
Date of Funding Denial Notice: September 30, 2005  
Date of Appeal: October 11, 2005

**(2) SLD Contact Information**

Annie Jackson  
Technology Director  
Mel Blount Youth Home  
(912) 537.7758  
582 Mel Blount Road  
Vidalia, GA 30474

**(3) Funding Request Numbers Appealed**

FRNs – 1040595,1040667,1040703,1040757,1040789,1040908

**(4) The SLD stated that:**

Applicants' request to certify 471 Application No. 378809 is denied.  
**Attachment A** (SLD Denial of Applicant's Appeal).

**(5) The SLD was provided very precise data to support Applicants' request  
for accepting the Application.**

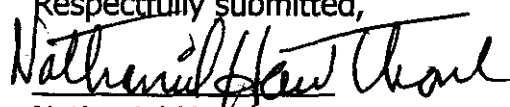
**Exhibit B** is Applicant's Request to the SLD.

**Exhibit C** Order, Rel January 14, 2005, CC Docket No. 97-21 Cited by the SLD in support its position denying certification. However, the language cited by the SLD is not included in the Order. Here, Mel Blount provided evidence that the 471 signature page in question was filed with the SLD. The burden is on Mel Blount, but the school district met that burden. There is nothing else in the record to refute Mel Blount's position. The SLD states that Waikiki was unable to prove certification was mailed. That is not the case here.

**Conclusion:**

Mel Blount is requesting the following action by the FCC:

- (a) Within 30 days or less Order that the 471 Application (378809) was timely filed, that is within the 471 window.
- (b) Order the SLD to process Mel Blount's 471 Application (378809).

Respectfully submitted,  
  
Nathaniel Hawthorne

Ohio Bar # 0008881  
Nathaniel Hawthorne,  
Attorney/Consultant, Ltd.  
27600 Chagrin Blvd., #265  
Cleveland, OH 44122  
tel.: 216/514.4798  
nhawthorne@earthlink.net

Attorney for  
Mel Blount Youth Home  
Cc: Mel Blount Youth  
Home

## **Exhibit A**

Year 6  
SLD denial

Annie Jackson  
Mel Blount Youth Home  
582 Mel Blount Road  
Vidalia, GA 30474

Billed Entity Number: 222402  
Form 471 Application Number: 378809  
Form 486 Application Number:



**Administrator's Decision on Appeal – Funding Year 2003-2004**

September 30, 2005

Annie Jackson  
Mel Blount Youth Home  
582 Mel Blount Road  
Vidalia, GA 30474

Re: Applicant Name: MEL BLOUNT YOUTH HOME  
Billed Entity Number: 222402  
Form 471 Application Number: 378809  
Funding Request Number(s): 1040595, 1040667, 1040703, 1040757, 1040789,  
1040908  
Your Correspondence Dated: April 13, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision regarding your appeal of the Form 471 Certification indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1040595, 1040667, 1040703, 1040757, 1040789,  
1040908

Decision on Appeal: **Denied**

Explanation:

- On appeal, you request SLD to certify the above listed Form 471 as inside the filing window. You contend that Form 471 application number 378809 Certification was sent in the same envelope along with the Certification for Form 471 application number 377891. In support of your request, you include a copy of a U.S. Postal Services Certified Mail Receipt, tracking number 70012510000711767241, postmarked February 6, 2003 as proof of your compliance with program filing requirements.
- Upon review of the documentation, it has been determined that the U.S. Postal Services package with a tracking number of 70012510000711767241 only contained the Certification for Form 471 application number 377891. There is no

record or copy of the Certification for Form 471 application number 378809 as you affirmed. In the FCC Decision regarding Waikiki Elementary School. (DA-96-45,97-21), the FCC held that Waikiki was unable to prove that the certification in question was mailed with other processed certifications as the applicant had claimed. Therefore, the SLD must rely on the documentation we have on file. In Funding Year 2003 to be considered for funding, Form 471 applications and their associated certifications were to be postmarked no later than 11:59 pm (EST) on February 6, 2003. It is the responsibility of the applicant to ensure that all forms are completed in a correct and timely manner. Consequently, your appeal is denied.

- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. *See Request for Review by Alpine County Unified School District, et . al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 ¶¶ 2 and 4. (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.
- SLD has determined that the required information was not received before the deadline. Without specific evidence to support that the documentation was mailed to SLD prior to the close of the filing window, SLD may not consider the documentation as timely. In the FCC's Waikiki decision, even though Waikiki claimed that it had mailed its Form 471 within the same package as other timely applications, the Commission determined that Waikiki was not able to demonstrate that the Form 471 was submitted on such a date. The Commission specifically noted that an applicant must "overcome the presumption of accuracy inherent in SLD's procedures for processing applications." *Request for Review by Waikiki Elementary School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order DA 02-74, 17 FCC Rcd. 664 at ¶ 4 (rel. Jan. 14, 2002).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

## **Exhibit B**



00T-11-2005 09:44 AM BLOUNT YOUTH HOME 912537758 P.01



# Mel Blount Youth Home of Georgia, Inc.

*"Intercepting Wayward Kids"*

382 Mel Blount Road - Vidalia, Georgia 30474 - Phone (912) 537-7758 • Fax (912) 537-0825

Express Mail#

April 13, 2005

George McDonald  
Vice President  
Schools and Libraries Division  
Universal Service Administrative Company  
2000 L. Street, NW Suite 200  
Washington, DC 20036

**Re: Mel Blount Youth Home, Not Certified FCC Form 471 (07/01/2003-06/30/2004)**

Dear George McDonald:

**I need your help!**

I filed an FCC Form 471 within the window established by FCC/SLD regulations. The 471 that I filed is attached as Attachment I; the Entity Number for Mel Blount Youth Home is 222402; the Form 471 Application ID is 378809.

I sent two FCC Form 471 signature pages in the same envelope to the SLD on February 6, 2003, Attachment II. One Form 471 was certified, 378809 was not.


Thus far the SLD has NOT certified Form 471 378809. There is no reason for this.

SLD regulations state that the 471 had to be postmarked within the window. This was done.

I would like the 471 Application for Mel Blount Youth Home certified.

**Will you see that the 471 Application for Mel Blount Youth Home is certified as soon as possible?**

Sincerely,



Annie Jackson  
Mel Blount Youth Home  
(912) 537-7758

## **Exhibit C**

\*\*\*\*\*  
 NOTICE  
 \*\*\*\*\*

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 WordPerfect or Word to ASCII Text format.

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\*\*\*\*\*  
 Before the  
 Federal Communications Commission  
 Washington, DC 20554

In the Matter of	)	
	)	
Request for Review by	)	
	)	
Waikiki Elementary School	)	NEC.471.02-17-00.07200005
Honolulu, Hawaii	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

ORDER

Adopted: January 11, 2002

Released: January 14, 2002

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review
2. Under the schools and libraries universal service support mechanism, eligib
3. For Funding Year 3 applications, the filing window closed on January 19, 20
4. After careful review of the record, we find that Waikiki fails to adequatel
5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
 Deputy Chief, Accounting Policy Division  
 Common Carrier Bureau

1 Letter from Les Goto, Waikiki Elementary School, to Federal Communications Commiss